

**A RESOLUTION**

**BY: FINANCE EXECUTIVE COMMITTEE**

**A RESOLUTION TO AUTHORIZE THE FINAL NEGOTIATION AND PREPARATION OF THE NECESSARY AGREEMENTS TO MEMORIALIZE THE INTENT OF THE ELECTED OFFICIALS OF THE CITY OF ATLANTA AND FULTON COUNTY FOR THE LEASE/PURCHASE OF THE ATLANTA DETENTION CENTER; AND FOR OTHER PURPOSES.**

**WHEREAS** the City passed 09-R-1193 authorizing a team of elected officials to negotiate an agreement for the sale or lease of the Atlanta Detention Center to Fulton County or other interested parties; and

**WHEREAS** the negotiation team evaluated several options for the Lease/Purchase of the Detention Center; and

**WHEREAS** continuing to operate the Detention Center and lease beds to Fulton County to help relieve the County's overcrowding issue did not result in a financial benefit to the City; and

**WHEREAS**, soliciting bid proposals from all potential interested parties in the current economic market had the potential to result in few if any bids worth taking; and

**WHEREAS**, executing a transaction directly with Fulton County with the intent of transferring ownership to Fulton County would result in a mutually beneficially solution that addresses the needs of both parties while addressing the concerns of the Courts; and

**WHEREAS** the negotiating team determined that it was in the best interests of both the City and the County to execute a transaction directly with Fulton County; and

**WHEREAS** the negotiation team, consistent with 09-R-1193, and members of the governing authority of Fulton County have met several times to negotiate the terms for the sale or lease of the Detention Center; and

**WHEREAS** the elected officials have reached an agreement within the spirit of resolution 09-R-1193; and

**WHEREAS**, the preparation of the necessary Intergovernmental Agreements ("IGAs") must occur before the transaction can conclude; and

**WHEREAS**, it is the desire of both Governments to finalize the agreements.

**NOW, THEREFORE, BE IT RESOLVED**, that the administration is authorized and to prepare the necessary IGAs and related to documents to consummate an agreement under the following terms:

- Fulton County will purchase the Atlanta Detention Center from the City of Atlanta through an IGA taking the form of a Lease-Purchase Agreement.
  - Lease to commence July 1, 2010
  - Lease term to run from 2010 to 2024 (15 years)
  - Fulton County to make 13 annual lease payments of \$3.2 million starting on Jan 1, of 2012). Last payment on Jan 1, 2024
  - Fulton County to purchase the facility for \$10 at the end of the lease term
- City completes repairs, modifications and improvements as noted in the Fulton County Feasibility Study for an amount not to exceed \$2 million. Repairs will be completed by the end of the calendar year 2010.
- Fulton County will provide the City with access to up to 400 jail beds per day for the purpose of housing the City's municipal inmates. City will pay Fulton County \$71/day/bed on an as used basis. This rate will be recalculated annually using the methodology employed in the US Marshall's Service Cost Sheet for Detention Services.
- The City will lease to Fulton County four courtrooms at \$1 per year.
- Fulton County will provide current City employees first opportunity to apply for and be considered for employment at the Facility and the County will use its best efforts to retain current City employees at the Facility

**BE IT FURTHER RESOLVED**, that the City Attorney be, and is hereby, directed to prepare the IGAs for approval of the City Council.

**BE IT FINALLY RESOLVED**, that upon completion of the IGAs with the terms consistent with what has been agreed to by the elected officials, legislation will be introduced consistent with the requirements of the City of Atlanta Procurement Code to authorize the lease /purchase of the Detention Center to Fulton County.